

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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Compass, Inc., *et al.*,

Plaintiffs,

—v—

Real Estate Board of New York, Inc.,

Defendant.

21-cv-2195 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

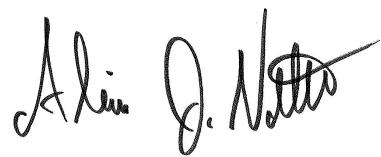
On May 18, 2021, the Defendant filed a motion to dismiss. Pursuant to Rule 3.F. of this Court’s Individual Practices in Civil Cases, on or before June 1, 2021, the Plaintiffs must notify the Court and their adversary in writing whether (1) they intend to file an amended pleading and when they will do so or (2) they will rely on the pleading being attacked. The Plaintiffs are on notice that declining to amend their pleadings to timely respond to a fully briefed argument in the Defendant’s motion to dismiss may constitute a waiver of the Plaintiffs’ right to use the amendment process to cure any defects that have been made apparent by the Defendant’s briefing. *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC.*, 797 F.3d 160, 190 (2d Cir. 2015) (leaving “unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility”).

If the Plaintiffs choose to amend, the Defendant may then (a) file an answer; (b) file a new motion to dismiss; or (c) submit a letter stating that it will rely on the initially filed motion to dismiss.

Nothing in this Order alters the time to amend, answer or move provided by the Federal Rules of Civil Procedure or Local Rules.

SO ORDERED.

Dated: May 20, 2021  
New York, New York



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ALISON J. NATHAN  
United States District Judge